



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider,
Attorney General

March 25, 1976

ATTORNEY GENERAL OPINION NO. 76- 106

Mr. Daniel L. Brewster
Labette County Attorney
2200 West Main
Parsons, Kansas 67357

Re: Counties--Bridges--Bond Proceeds

Synopsis: The proceeds of bonds issued under K.S.A. 10-201 may not be used for the purchase of road construction equipment which is not used solely or primarily for bridge construction and repair.

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Dear Mr. Brewster:

You inquire whether the Board of County Commissioners of Labette County may use the proceeds of bridge bonds issued under K.S.A. 10-201 to purchase road graders and like equipment when such equipment is necessary for performing only ten percent of the work of the bridge projects for which the bonds were issued.

You enclose a copy of your opinion on this question dated March 1, 1976, and a copy of a letter to you from the chairman of your board of county commissioners, dated March 11, 1976, concerning this matter. The position is taken in the latter letter that the use of proceeds for the purchase of construction equipment is justified because of approximately ten percent of each finished project is performed by county road and bridge crews and equipment, anticipated expenditures for new equipment would not exceed five percent of the \$3,600,000 involved, and because surfacing, seeding, riprapping, and fence building on the construction projects are performed by county crews, with the result that it is

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necessary to hire extra operators and labor and rent additional equipment to keep up regular routine maintenance and repair.

K.S.A. 10-201 states in pertinent part thus:

"The board of county commissioners of any county . . . are hereby empowered to issue the bonds of such county . . . for the purpose of building, purchasing or repairing bridges, free or otherwise, within such county"

The proceeds of bonds issued under this authority must be used for the construction and repair of bridges. The statute does not permit use of the proceeds for capital equipment outlays unrelated to bridge construction and repair projects. From the correspondence enclosed, it is clear that the bridge construction and repair will be done under contracts let by the county. Although the county may do some work in connection with these projects, it is clear to me, on the basis of the information presented to date, that the equipment which is proposed to be purchased would not be used solely or primarily for bridge construction and repair. On this basis, I concur fully with your opinion of March 1, 1976.

In addition it should be pointed out that if equipment were to be purchased from the proceeds of the bonds as necessary for the project, the proposition submitted to the voters must have apprised them of that proposed use of the proceeds.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj